

PREPARATORY EXAMINATION.

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF JOHANNESBURG
HELD IN JOHANNESBURG.

IN DIE MAGISTRAATSHOF VIR DIE AFDELING VAN JOHANNESBURG GE-
HOU TE JOHANNESBURG.

BEFORE MR.: F.C.A. WESSELS.
VOOR MNR.:

REGINA VERSUS: FARRID ADAMS AND OTHERS.
KONINGIN TEEN:

CHARGE: HIGH TREASON.
AANKLAG:

FOR THE CROWN: MR. J.C. VAN NIEKERK.
VIR DIE KROON: MR. LILBENBERG.

FOR THE DEFENCE: MR. V.C. BERRANGE
VIR DIE VERDEDIGING: MR. COAKER.
MR. WEINBERG.
MR. ROSENBERG Q.Æ.
MR. MAISELS Q.C.
MR. ZWARENSTEIN.

INTERPRETER: -----

TOLK:

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10th APRIL, 1957.

COURT RESUMES:

BY MR. COAKER: May it please Your Worship, with regard to persons who are sick and other persons who are for other reasons absent from the Court, the position is the same as it was yesterday with these differences that :

Accused No. 22 - Stanley Lollan is now back in Court, and
Accused No. 43 - J. Molefi is now back in Court.

Your Worship will remember that yesterday Accused No. 146, D. Seedat, was absent. I now beg leave to hand in a doctor's certificate in respect of D. Seedat. In addition, Sir, Accused No. 144, D. Nyembe, I am informed is suffering from lumbago and is unable to walk. A doctor's certificate will be made available as soon as possible; and Accused No. 130, J. Hoogendyk, who I understand left the Court yesterday, is ill and I beg leave to hand in a doctor's certificate with regard to him. I am also informed, Sir, that Accused No. 25, V. Make, has not arrived at Court this morning. I don't know what the reason for that is and it might be mentioned later when I might have some information as to what has happened.

BY THE COURT: Yes, the last matter can be raised again later in the morning. I should like to have an explanation. So far as the first number of Accused are concerned, I hope that the position will be watched if there is any reason to report further or produce further medical certificates and that that will be done.

BY MR. COAKER: Yes, it will be done, Sir.

THE CROWN CALLS:

GLADWELL NGCAI, Sworn States: (Interpreter J.Gugushe - English/
Xosa).

EXAMINED BY MR. v.d. WALT.

You have already given evidence? -- Yes.

On the 13th December, 1953, did you attend a meeting
"Let the People Speak Committee", is that correct? -- Yes.

And where was it held? -- It was held at the Trades
Hall.

Where is that? -- Kerk Street, Johannesburg.

BY THE COURT: What Committee is this? -- It is a separate
Organisation.

BY P.P. I may point out it is the intention of the Crown to
lead at a later stage further evidence as to how it actually
fits in with the whole scheme.

About what time was the meeting opened? -- 8 p.m.

Until when - did you make a note - did the meeting
last? -- 10 p.m.

From 8 p.m. to 10 p.m. And did you take notes at the
meeting? -- Yes, I did.

And the next day did you prepare a report? -- Yes.

And from what did you prepare the report? -- From the
draft notes that I had made.

BY MR. COAKER: May it please Your Worship, I am informed that
Accused No. 25, V. Make, is now in Court. I have heard that
his train was late but perhaps I may mention his explanation
to Your Worship later when I have had an opportunity of speaking
to him.

BY P.P. And you have the Report before you, is that correct?
-- Yes.

Now, do you know who was the Chairman? -- I don't
have his name on the Report I have before me but I think it
was a Mr. Patel - Amod Patel.

- And -

And did the Chairman address the meeting? -- Yes, he did.

What did he say - will you read from your Report. Before you read from your Report, what happened to your notes? -- After making the Report, I destroyed the papers.

Will you read what the Chairman said? -- Witness reads Report - EXHIBIT "G. 290":- (Speakers: Chairman - Amod Patel; Nelson Mandela; Dr. Dadoo (Omitted); Hilda Watts; J. Cachalia;)

Do you know the two speakers Amod Patel and Nelson Mandela? -- Yes, I do.

Are they amongst the Accused? -- Yes, Amod Patel is Accused No. 58 and Nelson Mandela is Accused No. 32.

Now will you look at the back of your Report. Do you also have a list of names of persons who attended the meeting? -- Yes.

Now will you mention the names of the Accused persons who are in Court? -- Robert Resha (Accused No. 63); Frank Madiba (Accused No. 23); Simon Tyiki (Accused No. 75). That's all.

And you hand in your Report - EXHIBIT "G. 290"? -- Yes.

And did you also find that leaflet which you now hand in - EXHIBIT "G. 291" - what is it?.....

BY THE COURT: Where did you find it? -- It was pasted on an electric pole in Griffiths Avenue, Newclare.

BY P.P. What is it? -- It is a notice of the meeting. Witness reads EXHIBIT "G. 291".

BY MR. BERRANGE: NO QUESTIONS.

BY MR. COAKER: NO QUESTIONS.

BY MR. SLOVO: NO QUESTIONS.

THE CROWN CALLS:

ISAAC SHARP. Sworn States:-

EXAMINED BY MR. v.d. WALT.

In this case it is the meeting of "Let the People Speak Committee" of the 13th December, 1953, and there is a transcript available.

BY THE COURT: Is this new evidence or a continuation. Has he already given evidence regarding this meeting? -- No, not yet. It is a new meeting.

BY P.P. Now, you have already given evidence? -- Correct.

On the 13th of December, 1953, did you attend a meeting of "Let the People Speak Committee"? -- Yes.

Where was it? -- It was on the corner of Hamilton and Bevan Streets, Newclare.

District Johannesburg? -- Yes.

And about what time did the meeting commence? -- The time is 2.51 p.m.

And what time did it stop? -- It stopped at 4.35 p.m.

And did you take notes at the meeting? -- I did.

You now have the notes before you? -- Yes.

Did you check your notes in the presence of a representative of the Defence and the Crown? -- Yes.

And you have got a transcript of your notes before you? -- Yes.

Now, will you refer to the transcript - who was the Chairman? -- The Chairman was Moilola.

Will you read what he said? -- Witness reads from Transcript - EXHIBIT "G. 293". (Speech of Chairman). Then I have got "2.51 p.m. and then R. Resha - Robert Resha - addressed the meeting - Witness reads from EXHIBIT "G. 293". The next speaker was J. Cachalia - Witness reads EXHIBIT "G. 293". (Portion of Cachalia's speech omittedfrom "We will win every battle in South Africa"). Then there were the Chairman's remarks.

Witness reads from EXHIBIT "G. 293" (Robert Resha). Then Jack Hodgson spoke - Witness reads from EXHIBIT "G. 293". Then the Chairman's remarks - Witness reads from EXHIBIT "G. 293". Then Tloome spoke (Speech omitted). Witness reads Chairman's comments.

Now, are the following persons amongst the Accused - Robert Resha? -- He is one of the Accused. (Accused No. 63).

P. J. Hodgson? -- He is one of the Accused. (No. 12).

You hand in your notes - EXHIBIT "G. 292"? -- Yes.

And Transcript of the notes - EXHIBIT "G. 293"? -- Yes.

BY MR. BERRANGE: I would like to reserve my cross-examination.

BY MR. COAKER: The same applies to me, Sir.

BY MR. SLOVO: NO QUESTIONS.

BY THE COURT: The Defence wishes to reserve cross-examination of this witness..

BY P.P. I would like to know for what reason, Your Worship.

BY MR. BERRANGE: This is one of the speeches in regard to which I would like to have the opportunity of a consultation with my clients. There are certain aspects in this speech that make it necessary for me to do so.

BY P.P. Yes, Your Worship. I have no objection. I am now continuing with this witness. (Isaac Sharp).

Now you have already given evidence? -- That is correct.

On the 7th of February, 1954, did you attend a meeting of "Let the People Speak Committee" ? -- Yes.

Where was it held? -- Hamilton Street, Newclare. Bevan and Hamilton Streets.

About what time did the meeting commence? -- The meeting commenced at 10. 55 a.m.

Until when? -- Until 2.45 p.m.

Did you take notes at the meeting? -- I did.

You now have your notes before you? -- I have.

Did you also check your notes in the presence of a

- representative -

representative of the Defence and the Crown? -- Correct.

And do you have a corrected copy of the transcript of the notes? -- Yes. (EXHIBIT "G. 295).

And that is before you? -- Yes.

Will you refer to the transcript - who was the Chairman?
-- The Chairman was Vundhla.

Witness reads EXHIBIT "G. 295" - Speakers: Chairman, Vundhla; Moiloa; E.P. Moretsele; N.R. Mandela; (Witness translates "Bafabengiya" as "People who die dancing") D. Bopape's speech omitted; J.B. Marks;

Now, are the following speakers amongst the Accused - E. Moretsele? -- Yes. (Accused No. 46).

N. R. Mandela? -- He is one of the Accused. (No. 32).

The Chairman, in his last remark referred to Sisulu - page 10 - do you know such a person? -- Walter Sisulu is one of the Accused (No. 70).

And you now hand in your notes? -- I do. (EXHIBIT "G. 294)

And a transcript of your notes - EXHIBIT "G. 295"? -- Yes.

And you also hand in a pamphlet, is that correct? -- That is correct. (EXHIBIT "G. 296).

Where did you find it? -- I received it from an unknown Native male on the 3rd February, 1954.

And what is that Exhibit? -- Witness reads EXHIBIT "G. 296".

BY MR. BERRANGE: I understand that this witness is to be called by my learned friend for the Crown in regard to further meetings dealing with the same Committee, that is the "Let the People Speak Committee". In view of certain information which I have received, it does become necessary for me rather carefully and closely to examine his notes and those are the notes in regard

each one of these meetings. I think, Sir, under the circumstances it would be better if I were to cross-examine this witness, that is if I decide to do so at all, at one and the same time in regard to all the meetings because they all deal with the same Committee and the same subject. That being so, Sir, I would ask therefore that my cross-examination be allowed to stand down in regard to this particular phase to which the witness is testifying to until I am ready to deal with it. I take it, Your Worship is on the point of adjourning at the present moment. Could I ask Your Worship to excuse me from attendance at Court until half-past eleven.

BY MR. SLOVO: I make a similar application, Sir.

COURT ADJOURNS.

COURT RESUMES: APPEARANCES AS BEFORE:

BY P.P. The same witness, Sir - ISAAC SHARP.

This is a meeting of the 7th March, 1954. There is a transcript available.

Now on the 7th March, 1954, did you attend a meeting of "Let the People Speak Committee"? -- Yes.

Where was it held? -- It was held in Sophiatown.

And did you take notes at the meeting? -- I did.

Did you prepare a report? -- I did.

When did you prepare a report on the meeting? -- I prepared the Report on 8. 3. 54.

And from what did you prepare the report? -- I prepared the report from my notes I took at the meeting.

And you now have your report before you? -- I have got the report now before me.

What happened to your notes? -- I handed in the notes and the report together.

Did you afterwards again look for the notes? -- I searched for the notes with a negative result.

And you now refer to your Report. Did you check your report in the presence of a representative of the Defence and the Crown? -- Correct.

And is there a transcript of the report? -- Yes.

And you have the transcript before you? -- Yes.

Will you refer to the transcript - about what time did the meeting start? -- The meeting started at 10. 10 a.m. and ended at 1.5 p.m.

About how many persons were present? -- There were about 600 people present.

Who was the Chairman? -- The Chairman was R. Resha.

Is that Robert Resha? -- Yes.

Did the Chairman address the meeting? -- He did.

Will you read what he said? -- Witness reads Report - EXHIBIT "G. 298". Speakers; R. Resha; N.R. Mandela;

Were there Interpreters? -- There were two Interpreters. One was ~~Mokogone~~ and the other - I spell his name Moteane.

Now are the following speakers amongst the Accused - Robert Resha? -- He is one of the Accused. (Accused No. 63).

And Nelson Mandela - No. 32? -- Yes.

The Chairman, on the last page of the transcript, also mentioned the names of Nokwe and Makgothi - do you know them? -- I know they are both Accused. (Nokwe Accused No. 56 and Makgothe Accused No. 29).

Now will you look at the bottom of the last page of the transcript - did you make notes of names of persons you saw at the meeting? -- I did.

Will you mention the names of Accused persons who attended the meeting? -- S.W. Ngwendu (Accused No. 53); S. Tyiki (Accused No. 75).

Now you hand in your Report - EXHIBIT "G. 297"? -- I do.

And also transcript of your Report - "G. 298"? -- Correct.

- And -

And you also hand in a pamphlet - EXHIBIT "G. 299", where did you find that? -- I found this from an unknown man in Sophiatown. It was given it by an unknown person.

BY THE COURT: When and where? -- On 5th March, 1954, at Sophiatown.

BY P.P. What are the contents of the pamphlet? -- Witness reads EXHIBIT "G. 299".

There is another meeting, Your Worship, on the 28th February, 1954, and there is a corrected copy of the Report.

On the 28th February, 1954, did you attend a meeting of the "Let the People Speak Committee"? -- Yes.

Where was it held? -- It was held at the corner of Victoria and Morris Streets, Sophiatown.

Now at what time did it commence? -- It commenced at 10 a.m. and concluded at 1. 55 p.m.

And did you take notes at the meeting? -- I did.

Do you have your original notes before you? -- Yes.

Will you look at Exhibit "G. 4". On the last page of "G. 4" is that the beginning.....

BY THE COURT: Is this to identify this Exhibit perhaps? What is this Exhibit?

BY P.P. That is his notes made at the previous meeting.

BY THE COURT: Are these your notes made at the previous meeting? -- Yes.

What meeting was that? -- It was a "Let the People Speak Committee".

BY P.P. No, not the last page, the first page.

BY THE COURT: These are the notes made at a previous meeting of the "let the People speak Committee"? -- No, I looked at the back page - I am now looking at the front. This is the meeting of the "Welcome of Mr. Sisulu". It was held on the 14th February, 1954, at the Communal Hall, Western Native Township.

BY P.P. Now, at the back of the last page of EXHIBIT "G, 4"

is that where you commenced to make your notes? -- I commenced making notes of the meeting of the 28. 2. 1954.

BY THE COURT: This meeting that you are now giving evidence about? -- Yes.

BY P.P. Now, do you have your notes before you? -- I have.

And did you check your notes with a representative of the Defence and of the Crown? -- I did.

And you have a corrected copy of the transcript of your notes? -- Correct.

Now, will you refer to the transcript - who was the Chairman of this meeting? -- The Chairman was Robert Resha.

Did he address the meeting? -- He did.

Will you read what he said? -- Witness reads EXHIBIT "G. 301". Speakers:- R. Resha, (Chairman); S. Tyiki; Elias Moretsele; D.W. Bopapa; ".....from Johannesburg" (rest of speech on Page 5 omitted - speech continued from top of Page 6); Dr. Dadoo (omitted); J.B. Marks (page 9).....unpopular laws" - rest of speech omitted; Resolutions omitted.

Was that the end of the meeting? -- Yes.

Now, are the following speakers amongst the Accused? Robert Resha? -- Yes. (Accused No. 63).

Simon Tyiki? -- Yes. (Accused No. 75).

Elias Moretsele? -- He is one of the Accused. (No. 46).

And you hand in your notes - EXHIBIT "G. 300"? -- Yes.

And also the transcript of your notes - EXHIBIT "G.301"? -- Yes.

BY MR. BERRANGE: I take it Your Worship will be adjourning at this stage. You have no more meetings?

BY P.P. No.

BY THE COURT: Would you indicate whether you would be in a position to continue with your cross-examination...

BY MR. BERRANGE: I will indicate in the morning, Sir, one way or the other.

- BY THE COURT -

BY THE COURT: I should like to know whether we are going on this afternoon.

BY MR. BERRANGE: I understood from my learned friend - I thought it had been made clear to Your Worship - that my learned friend has no further meetings to deal with today and that I would like the afternoon to go into the question of cross-examination.

BY THE COURT: So you will agree to an adjournment now until tomorrow.

BY MR. BERRANGE: That is correct.

Before Your Worship adjourns, there is just one thing I would like to enquire from my learned friend - or possibly from the witness - In regard to the meetings of the 7th February, 1954, 13th December, 1953 - those are EXHIBITS "G. 294" and the transcript "G. 293" and in regard to this last meeting that we have been dealing with, 28th February, 1954, I take it that Reports were made by the witness? Is that so? -- Yes.

I am going to ask the Crown, Sir, to provide the Defence with these Reports

BY THE COURT: Mr. Prosecutor, have you taken note of what Mr. Berrange is asking for? -- Yes, Your Worship.

BY MR. COAKER: Sir, as we are adjourning now for the rest of the day, as I understand it, I would like to mention two matters. The first is the Accused who arrived late this morning - V. Make - Your Worship will recall that he entered the Court about five minutes after the proceedings. I am instructed, Sir, that he caught his usual train at Kiptown at 8.30., which is the train on which he normally comes in, and that this train for some reason which he doesn't know didn't leave the Station until about five-past-nine so he wasn't here until about twenty-five-to-ten.

BY THE COURT: It seems a reasonable excuse, Mr. Prosecutor?

- 3212 -

BY P.P. Yes, Your Worship. I accept it.

BY MR. COAKER: I have also been informed, Sir, with regard to Accused No. 19, J. Kumalo, that a telephone call was received today from the Baragwanath Hospital saying that he has been admitted to Ward 14 in that Hospital for some neck complaint. Your Worship will recollect that he was the Accused who was here in Court in a support or sort of sling or something around his neck and I am now informed that he is now actually in Ward 14 as a result of that complaint.

BY THE COURT: Will a medical certificate be forthcoming? --
Yes, Sir, I will endeavour to obtain one as soon as possible.

CASE REMANDED TO 11th APRIL, 1957.

11th APRIL, 1957.

BY THE COURT: I think you want to make a statement, Mr. Coaker, regarding certain of the Accused. You needn't repeat those you have mentioned before.

BY MR. COAKER: The position is the same as yesterday, Sir, with two additions, that is Accused No. 50, Suliman Nathie, who is attending at the Outpatients Department at the Hospital and I beg leave to hand in a Certificate; and also Accused No. 83, that is Lionel Forman, who is unwell and I beg leave to hand in a Certificate relating to him. Your Worship will recollect that yesterday the Accused Dorothy Nyembe, No. 144, was absent and I undertook to hand in a Certificate and I do so now.

THE CROWN CALLS:

ISAAC SHARP, Sworn States:

CROSS-EXAMINED BY MR. BERRANGE:

The meeting of the 13th December, 1953, can you tell us where that was held - referred to in Exhibit "G. 293"? -- This was held at Hamilton and Bevan Streets, Newclare.

In the open? -- Open.

Where did you stand, can you remember? -- I can't remember where I was actually standing but I stood there.

You can't remember where you were standing? -- The actual position.

You can't remember whether you were standing or sitting? -- No, I was standing, I was not sitting.

You can't remember exactly where today? -- I can't - but usually I always stand.....

Don't tell us what you usually do. I am asking you today you can't remember where you were exactly.....

BY THE COURT: I want you please to concentrate on the questions being put. Don't try and explain. Just answer the questions. If an explanation is necessary you will be afforded an opportunity to give such explanation but please concentrate on the questions put to you and try and answer them.

BY MR. BERRANGE: The meeting of the 7th February, 1954, referred to in the Notes EXHIBIT "G. 294" - have you got it?

- Where -

Where was that held? -- This was held at Hamilton Street - also at Hamilton and Bevan Streets, Newclare.

The same place? -- The same place.

In the open? -- In the open.

You can't remember where you were standing - or can you? -- No.

The meeting of the 7th March, 1954, that is referred to in EXHIBIT "G. 297" - have you got it? -- I haven't got it.

It was a Report, not notes - have you got it? -- Yes.

Where was that held? Did you hear my question - or are you trying to find out, what is it? -- I heard the question - where it was held.

All right. Take your time? -- This meeting was held in Sophiatown.

Whereabouts? -- At the corner of Victoria and Morris Streets.

You are not guessing are you? -- No, I am not guessing.

Is it in your notes? -- It is not here in this Report.

It is not in your Report? -- No, it is not in the Report.

Then why do you say it was at the corner of Victoria and Morris Streets? -- I know where it was held.

Why have you taken so long in giving an answer.... I was....

Don't interrupt me. Let me finish my question. Why have you taken so long in telling us where it was held when I first asked you question? -- I was trying to tell you - I am still looking at my report.

I know but if it is not in your Report and you yourself know where it was held, then why is it necessary to look at your report? -- I have to read my report before I can tell if it is not there.

You have what? --- I have got to read my report before

I can tell if it is there or not.

If what is there - Victoria and Morris Streets? --
Victoria and Morris Streets.

I know - but Victoria and Morris Streets are not in
your report? -- It is not in this report.

And if you yourself have an independent recollection that
this was at the corner of Victoria and Morris Streets, it does
not matter whether it is in your report or not does it? ...

BY THE COURT: I think what he is saying, Mr. Berrange, is that
he was looking at his report and reading it to find out whether
it is mentioned in his report - that is why he took so long in
answering.

BY MR. BERRANGE: Yes, that is what I understand him to say.
My point is that if he has an independent recollection it really
doesn't matter whether it is mentioned or not - if he remembers
it.

BY THE COURT: He was looking first he said, as I understood
him, and that is why he delayed in answering your question.

BY WITNESS: That is correct, Your Worship.

BY MR. BERRANGE: That was also in the open? -- It was in the
open.

Do you remember where you stood? -- I cannot tell where
actually I stood.

Now, do you remember in what language the Speakers
addressed this meeting? -- I can - some I can remember what
language was spoken.

You can remember some. Which are the 'some' that you
can remember? -- I think Resha - he mentions here that he is
going to speak in English...

You say you "think"? -- No, I don't say I think....

You did say you "think"? -- I don't say I "think".

So you want to change that? -- No, I am not changing.

I say that Resha said in this report that he is going to speak in English.

Sergeant Sharp, are you seriously telling the Court that a moment ago you didn't use the words "I think"...? -- Please, Sir, don't rush me.

Are you seriously telling the Court that....

BY THE COURT: That is my impression too, that you said you think? -- Yes, but I mean....

BY MR. BERRANGE: Did you say it - yes or no? -- I mentioned that he spoke in English.

Did you use the words "I think"? -- I may have said so.

You don't remember? -- I may have said it.

You don't remember whether you said so? -- I may have said so.

I am asking you whether you remember having said "I think".

BY THE COURT: That is a perfectly straightforward question. Do you remember whether you said so or not? -- I think - well, I may have said something - I think.

But you can't remember, is that it? -- Well, I think I did, that "I think" but I changed my mind when I looked at my report.

BY MR. BERRANGE: Why don't you answer our questions Sergeant Sharpe. It is such a simple question? -- That is correct....

Do you remember having used the words "I think" when I first asked you the question - yes or no? -- That is correct.

You do remember? -- Yes.

I don't know why I have to have all this difficulty in getting an answer from you. Now what language did the next speaker speak? -- Cachalia - he spoke in English.

Do you remember that? -- I do.

And the next speaker? -- The next speaker is Mr. N. R.

Mandela. He spoke in English.

Do you remember that? -- I do.

Were there any more speakers other than the Chairman, Cachalia and Mandela? -- According to the report, Cachalia was the last speaker.

BY THE COURT: That is apart from the Chairman? -- Apart from the Chairman.

BY MR. BERRANGE: Who was the last speaker? -- Pardon?

Who was the last speaker, do you say? -- The Chairman.

So you remember the language in which all the speakers spoke? -- I do.

Not some of the speakers? -- No, all languages....

Hmmm? -- Yes.

Why did you say "some" originally? -- I didn't look through my report.

I see. So you were prepared to answer without looking through your report, is that it? -- I answered before I used my report.

I see. And you were prepared to say you remembered "some" of the speakers before using your report, is that it? --

BY THE COURT: Which meeting were you thinking of when you answered? -- Your Worship, there are so many of these.....

No, no, which meeting did you have in mind when you answered the question? -- I had in mind another report of other meetings which was held at Newclare.

BY MR. BERRANGE: You had in mind other meetings? --- Some of the speakers spoke in vernacular.

Why did you have in mind other meetings when I had spoken about the meeting of the 7th of March.....

BY THE COURT: I put this question deliberately, Mr. Berrange, because it was not clear to me to which meeting you were referring.

BY MR. BERRANGE: If it wasn't clear to you, Sir, it probably wasn't clear to the witness then. Have you got an independent recollection of this meeting of the 7th March or have you to rely on your notes? -- I have got to rely on my notes.

You have got no independent recollection? -- No, I am not prepared to say that.

BY THE COURT: In regard to the other speakers, you say you have no independent recollection? -- No, he said to me - the question put to me is that have I any independent recollection what actually 'took' at the meeting.

BY MR. BERRANGE: What actually what? -- What took place at the meeting. I said "No".

What I really want to know is can you remember this meeting without your notes? -- I do remember this meeting when I look at my notes.

In order to ascertain what took place at this meeting and also what was said at this meeting, you must look at your notes, is that what you mean? -- That is correct.

Now, I have interviewed half-a-dozen people who were at this meeting, including Mr. Resha, Mr. Cachalia, Mr. Tyiki, Mr. Mandela and they all say that these speakers whom you have mentioned spoke in the English language? -- I agreed...

Well, I'm not saying that you haven't? -- Correct.

For once we are in agreement. You have agreed. And they also say that their speeches were translated, or interpreted from the English language into Sechuana, do you agree with that? -- Yes.

BY THE COURT: Do you agree that the speeches were translated from English into Sechuana? -- That is correct.

BY MR. BERRANGE: And only into Sechuana? -- No, there was one Interpreter interpreting in Zulu.

Now everyone of these people say that that is untrue

and you say, however, that one interpreted into Zulu as well as Sechuana? -- There were two Interpreters.

I know there were two Interpreters and I want to put it to you that the Interpreters, J. Mahome and Bennet Makwasanyani, were there? -- He also - he came and interpreted.....I got a different name there.....

Do you agree with it? -- I don't agree with that.

Now you say he came there.....

BY THE COURT: Which one do you say interpreted? - - The one Moeema (Mahomo).

And what about Bennet? -- Bennet Makwasanyani I don't know anything about.

BY MR. BERRANGE: You said just a moment ago he came there? --

He came there. I saw him there but I

Why did you start telling me he came there? -- He didn't interpret.

Why did you start telling me he came there.....

BY THE COURT: Is this Bennet? -- Yes, Bennet Makwasanyani.

You say he came there but did not interpret? -- He did not interpret.

BY MR. BERRANGE: Why did you tell His ^Worship that when I was asking you about Interpreters? -- I was telling that he came there but did not interpret - he did not allow me to go further.

Well, what did you want to tell us about it? -- That he came there but he didn't interpret.

I know - but why did you want to tell us that? I was asking you about Interpreters - did you happen to see a man Bennet Makwasanyani there? -- I am denying that he interpreted.

All right - you also told His ^Worship that so far as your recollection of what happened and what was said at this meeting, you can't remember except by referring to your notes? -- Correct.

Is there anything in your notes to say that the speeches

- were -

were interpreted both into Zulu and into Sechuana? -- I didn't but....

Is that in your notes? -- I didn't.....

BY THE COURT: Just answer the question.

BY MR. BERRANGE: There is nothing in your notes? -- No.

BY THE COURT: To say that there was an Interpreter into Zulu? -- Yes.

BY MR. BERRANGE: And one of the things that you do when you go to meetings, of course, is to write down the names of persons whom you see at the meetings - that is for your superior officers? -- Correct.

And you have written down the names of various people whom you saw at this meeting, that is to be seen on the last page of Exhibit "G. 297" - have you written down Bennet Makwasanyani's name? -- I didn't.

Although you say you saw him there? -- Yes.

And today is the first time you have ever been asked to remember having seen him there? -- Pardon?

BY THE COURT: It is the first time today that you have been asked whether he was there at the meeting? -- That is correct.

BY MR. BERRANGE: More than three years later? -- Correct.

And now today for the first time you suddenly remember that this man Bennet Makwasanyani was seen there by you? -- That is correct.

Although your attention has never been directed to that before? -- That is correct.

And although his name doesn't appear in your notes? -- Yes.

Were you standing at this meeting when you made your notes? -- I was standing.

Did you make your notes in pencil or in ink? -- I made my notes in ink.

In ink. These are the notes that have been lost? --

- Correct -

Correct.

Did you make them in that type of pocket book that you have got there? -- I can't tell what book I made them in. It may be in this book it may be in another...

I don't say in that book, I said in that type of book? -- It may be the type of this book, it may be another type. I can't remember.

I see. Well, we will make things easy for you because I am going to give you a very nice firm, big book and with His Worship's permission I am going to read a speech to you and I am going to ask for it to be interpreted into Sechuana, and only into Sechuana, and I am going to ask you to record what it is that I am reading - and you can use which ever you like, pen or pencil.

COURT EXPLAINS NATURE OF TEST TO WITNESS.

BY THE WITNESS: Your Worship, I took the notes from English, not Sechuana.

BY MR. BERRANGE: I want to give you the opportunity by giving you time by having it interpreted so that you don't say that you haven't got sufficient time. That is why I am going to have it interpreted into Sechuana to help you.

BY THE COURT: You can take down in English what Mr. Berrange says but you know that an Interpreter will be interpreting? -- There were two Interpreters at this meeting.

Yes, it doesn't matter. Are you in the position in which you want to write - that is standing, of course? -- Yes.

And is your pen in order - or what are you writing with? -- A pen.

Now I think I have told you before not to go at a fast pace. You must try and create the atmosphere that one has at a meeting where an Interpreter is used. Take your time over that and interpret as you would to a crowd at a meeting - do you appreciate that? -- (BY INTERPRETER) I have never been to

meeting.

But you can imagine what happens at these meetings.

BY MR. BERRANGE: We will have to get a new recruit perhaps for the African National Congress, Sir!

(INTERPRETER - EBENEZER MAZWAI.)

BY MR. BERRANGE: "Afrika. The attitude of the Rulers of South Africa is accept White Baaskap or resist at your peril. In this situation our choice is a simple one. Either we must submit to the dictatorship; leave out all political activity and permit the continuation of the rule of force and violence or resort to psoitive action...."

BY WITNESS: Your Worship, I want to point out that Mr. Berrange is reading faster than what happened at the meeting.

BY THE COURT: It doesn't matter Sgt. Sharp. I don't say that this is a proper test. The test as Mr. Berrange wants it will be gone through with, do you understand? You must make the best of it that you can in the circumstances.

BY MR. BERRANGE: And in due course the recording machine will take down exactly the speed at which I have read it out and will indicate the speed of whether it was fair or not.

"To resist this onslaught. To submit is to surrender our honour, and to betray the trust and confidence placed upon us by our Congress, and to be false to our own principles but by refusing to bow down to reaction and facisism we are defend- ing the cause for which thousands of our comrades have painfully laboured and who are encouraging and consolidating the forces that work for democracy. What could be better proof of this fact than the magnificent conduct of the first victims of the Suppression of Communism Act? Conscious of the trust and confi- dence placed upon them, they refused to bend their knees to the Government and to surrender their rights without giving battle. Their courage and devotion to the cause of freedom won us many friends and aroused the people to a high level of political

- understanding -

understanding".

BY WITNESS: I am tired, Your Worship. (I am behind, Your Worship)

- Witness not talking into microphone. (May be referring to pen).

BY THE COURT: I don't think you are required to wait for that, Mr. Berrange.

BY MR. BERRANGE: I was just going to ask the witness whether when this happens to him at a meeting he asks the speaker to stop.

BY WITNESS: Your ^Worship, I did not come here to write at a meeting. When I go to a meeting....

BY THE COURT: No, no, I don't want to hear that.

BY MR. BERRANGE: "For my own part I want to say with all the emphasis at my command....."

BY WITNESS: I would ask Mr. Berrange to stop. I haven't got....

BY MR. BERRANGE: "That these restrictions".....

BY THE COURT: Just one moment, Mr. Berrange. The witness may be in difficulty about his pen. He hasn't come prepared to write....

BY MR. BERRANGE: I wonder if he would take mine.

"For my own part I want to say with all the emphasis at my command that these restrictions have not in any way deferred or frightened me. On the contrary they have made me even more determined to play my part in the great struggle for truth and justice that is raging in our country today. I am convinced that the Government cannot hold our forward march to freedom if we stand together and fight in a disciplined and united and non-violent manner. It is our own weakness, the lack of unity and solidarity, the defensive nature of our struggle that gives the Nationalists a chance to strike at us one by one and to cripple our organisations. Our first concern is to strengthen the Congresses and to make them in theory and in fact the fighting organisations of the people. If we carry

out this task earnestly and diligently the clique of small and frightened men that rule South Africa today will never be permitted to work their wicked ways upon us. If we take action, the cornerstone of our political activities, the people of South Africa will ultimately achieve victory and finally defeat the racial policy of the Government. You must remember that the method of passing resolutions at meetings, sending deputations to the Government, begging for concessions and favours, has been found to be futile and useless. No ruling power can be induced to surrender political power through passing resolutions and begging for concessions. In fact, if history teaches us anything it is that oppressed people achieve their freedom through violent, rebellious and militant action. I think the Afrikaners in this country will be the first people to admit that this is so. You^{all}/know about the struggle of the Afrikaner people against the British. They challenged and fought British Imperialism by force of arms. People like General Hertzog and General Smuts who were famous lawyers took up arms and fought against British Imperialism. That was the only weapon they adopted to resist British Imperialism - a violent rebellion - but ours is a non-violent struggle in which boycotts and non-collaboration are the chief weapons. These weapons place us in a better position to fight against the forces of reaction than if we resorted to force and violence. Besides we have a numerical advantage which must have a decisive effect on the outcome of the present struggle against racial inequality there being ten million oppressed people as against an oppressing minority of two million whites. Through non-collaboration and the boycott weapon and by teaching the oppressed people in this country to refuse to co-operate with the Government in their own oppression we can foster in them a mental attitude which hates oppression and all those who stand against our freedom.

As the sun will rise in the East tomorrow and set in the West so certain am I that a major clash will not be avoided between the forces of reaction and those of liberation unless the Nationalist Government abandons its wicked policies. I have not the slightest doubt that when the day of reckoning comes the forces of liberation will triumph over those of reaction. Now I ask you the question why is the Government of Malan banning people from speaking? Is it not because they have openly spoken against his vicious laws? Is it not true that these men have spoken against pass laws? Is it not true that Sons of Africa have been paraded in the streets because of that dirty paper? Is it not true that your wives have been arrested for brewing liquor? Is it not true that the Government of Malan is building camps for the sons of the land? Is it not true that Verwoerd, this Minister of European defence, is against you? Is it not true that when your leaders tell you these naked truths they are branded as communists? Is it not true that the African policemen are not paid as European policemen? Is it not true that the African Sergeants come under European Constables? Is it not true that this Government will go to the Platteland and get the poor Dutchmen to join the Police. Why do not Malan's and Swart's sons not join the Police Force? Is it because they know that the Police are enforcing their 'dragonical' laws and for what reason do we meet this morning? It is because we want to tell you about this Government's vicious laws and to educate these Government servants, who should be with their wives, who are taking notes of what we say. In 1912 the A.N.C. was established and this has now spread to all the Provinces. In the first Conference came people from all the Provinces. and they expressed indignation against the oppression of the people. The leaders of the A.N.C. of those days started

off by passing resolutions, thinking that they would be able to bring to the Europeans what they considered to be unfair. I am not going to tell you in detail the history of Congress. You all know it, but it is right to tell you that since that time the A.N.C. has had its ups-and-downs but the A.N.C. has never failed you. It had the important mission of pleading with the Government for you but had no success. Then militant action was decided in 1949 in Bloemfontein at a Conference attended by Africans from all parts of the Union where they decided to boycott. They decided upon strikes, civil disobedience and since then the African National Congress had a consistent and militant action before it. In 1950 the A.N.C. launched on the 1st May a decision that people should not go to work. In 1952 they launched that mighty campaign the Defiance Campaign. Eight thousand took part. Indians, Coloureds, Europeans, Africans, they came from gaol with this mind that they had created a mighty organisation which will take this type of ambitious and militant action in the future. Afrika! "

I would like to say, Sir, that the first portion which I read to this witness, is a portion of what is alleged, in a communication addressed to Mr. Mandela by the Secretary for Justice, as having been a speech made by him on the 8th September, 1953. The second portion which I read to the witness was a speech which Mr. Mandela said he made and the last portion which started with the words "Why is the Government of Malan banning people from speaking? Is it not because they have openly done this; is it not because they have done this, that and the other" is taken directly from the report EXHIBIT "G. 297" written by the witness.

I have no further questions, Sir.

BY THE COURT: Do you wish these notes to go in?

BY MR. BERRANGE: Yes, I do, Sir. (EXHIBIT "G. 302").

BY MR. COAKER: NO QUESTIONS.

BY MR. SLOVO: NO QUESTIONS.

RE-EXAMINATION BY PUBLIC PROSECUTOR:

Now, will you look at EXHIBIT "G. 299"? -- Yes.

Is the address, or the place where this meeting of the 7th March, 1954, took place, is it given on that Exhibit? -- At the corner of Victoria and Morris Streets, Sophiatown. (Exhibit - Notice convening meeting).

Now how does the test given to you in this Court now compare with what actually took place - or takes place - at a meeting? -- The test given in this Court - there is a vast difference from the meetings which I usually attend and I am used to attending these meetings. The meeting where I attend a meeting is different from this Court in this respect that the atmosphere in Court is different from the atmosphere in a public meeting at which I usually attend.

BY THE COURT: Can you explain what you mean by that - the atmosphere here in Court is different....? -- Is different from a public meeting 'of which I am used of attending'. Here I am in the presence of all these people attending the Court, sitting here in Court.

Do you mean by that that you are not entirely at your ease or what do you mean? -- I am not entirely at ease as I am at a meeting.

And can you mention any other respects in which the conditions are more disadvantageous? -- Your Worship, another disadvantage is this, that Mr. Berrange he reads from the paper not as what happens actually in a meeting.

No, of course, he is not making a speech but in what sense is it different from the actual speakers? -- He is more faster than when there is two Interpreters.

You mean he dictates faster than a speaker would speak?

--

- Than -

Than a speaker would speak.

And what about the pauses, have you anything to say about those? -- At the meeting there are pauses which allow me to go further than I would have gone...

What is the nature of the pauses? -- The pauses enable me to complete whatever sentence I was writing.

Yes, I understand that but what is the nature of these pauses? -- It is when they are singing or when they are making other announcements at the meeting.

Yes, but while a speech is being made, what pauses are there. I am not talking about pauses between speeches? -- There are sometimes when the speaker speaks things which I think is not necessary to enter in my notes.

And sometimes you leave out what a speaker says? -- I do leave out what I think is not necessary.

So what do you do while you leave that out? -- I complete what the speaker has said previous to that.

BY P.P. Is there anything else that causes speakers to stop speaking? -- At times the speakers stop perhaps when a certain announcement has been made or perhaps when they sing their freedom songs at a meeting.

BY THE COURT: Yes, but that would be in between speeches. What do you do while that goes on? -- I write and complete what the speaker has said before the songs started.

The last sentence or do you complete other sentences too? -- If the speaker has been saying anything - if he begins before I complete my sentence I complete my sentence.

BY P.P. Can you give us an indication how the Interpreters interpret at the meeting in comparison with this one here? -- In the meeting they take their time to interpret so that the people will understand what is said by the speaker - slowly so that everybody will understand what the speaker said.

- BY THE COURT -

BY THE COURT: Yes, but to compare it with the interpretation that we had here? -- There is a vast difference from the interpretation here.

In what sense? -- In this sense that he goes more faster than the Interpreter at a meeting.

BY P.P. And do you think the audience would have been able to hear this witness who interpreted here? -- Not all what he said.

BY MR. BERRANGE: Sir, the witness said that he took it from the English.

BY THE COURT: I don't see that that matters really - it is the pause, the length of the pause after each sentence uttered by a speaker that is really important.

BY P.P. Yes, but you have already mentioned that he speaks faster....? -- Speaks faster than an Interpreter at a political meeting.

Now, are there any other interruptions at a meeting? -- The other interruptions at a meeting is that you are bumped about by the people who are passing you, interfering with you - what I would call the unruly element.

BY THE COURT: So you are in this sense at an advantage in Court? -- At certain things.

What I mean is this that at the meetings you are bumped about and in Court you have not been bumped about? -- I have not been bumped in Court.

BY P.P. And what do the speakers do when there are those elements? -- They do nothing. They don't say anything.

BY THE COURT: Do you mean if there is any rowdyism they stop speaking or what? -- If there is any commotion at a meeting the Chairman will stand up and try to quell the commotion.

In what way does that affect your recording of the speeches? -- It is the noise made at the time.

Yes, what about the noise? In what way does it affect you? -- If there is a noise the speaker stops talking.

In what way does it affect you taking your notes? --
It affects me, I can't record anything when the speaker is not speaking. When there is a commotion the speaker stops and allows the Chairman.....

Yes, I don't see the relevance of this really Mr. Prosecutor.

BY P.P. As Your Worship pleases.

BY MR. BERRANGE: What I was going to say, Sir, that in order to save time I didn't ask this witness to read out what he had written here hoping that we ourselves might be able to read it for ourselves which would be sufficient. What he has written in very large handwriting occupies 8 of these pages - 8 sides - and as far as I am concerned there is not one word that is legible except the first word "Afrika". That being the case, Sir, I am going to ask Your Worship to ask this witness to transcribe that which is written here and it can then be handed into Court on another occasion.

BY THE COURT: Do you understand that you are required to transcribe exactly what you have written here in legible handwriting?
-- Yes.

BY MR. BERRANGE: Could I mark each page, Sir, with my initials. I am finished with this witness, Sir.

PUBLIC PROSECUTOR hands in following reports:-

Report of the meeting of the 13th December, 1953 - "G.303".
7th February, 1954 - "G. 304"
28th February, 1954 - "G. 305".

- DET. SGT. M. C. JOHNSON -

THE CROWN CALLS: (Interpreter P.J.FOURIE)- Afrikaans/English
English/Afrikaans.
DANIEL MICHAELIS CHRISTOFFEL JOHNSON, Sworn States:

EXAMINED BY PUBLIC PROSECUTOR:

You are a Detective Sergeant, South African Police,
stationed at Cape Town? -- I am.

On the 4th September, 1954, did you attend a meeting?
-- I did.

What meeting? -- It was a meeting held under the
auspices of the Congress of the People.

Now where was it held? -- On the Strand at West Cape.

Which district? -- District Somerset West.

And about what time did the meeting commence? -- About
3.45 p.m.

Until when? -- Until, about 5. 30 p.m.

And about how many persons attended the meeting? --
About 20 Natives.

And did you take notes at the meeting? -- Yes.

Have you the notes before you? -- Yes.

Now will you refer to your notes. Who was the Chairman?
-- A. Manzini.

And did he speak at the meeting? -- Yes.

Did you take down everything he said? -- I did not.

What did you take down - will you read? -- I wrote
down briefly...

Just read from your notes what he said - (Notes in
Afrikans)? -- "The Chairman - A. Manzini welcomed all those
present and also the speakers.

Who spoke after the Chairman? -- Lee-Warden. He spoke
in English.

Now did you take down everything he said? -- No.

Will you read what you took down? -- Lee-Warden spoke
in English and he said inter alia "The present Government wants

to rob you the Africans. They want to take away your education. If you stand together and fight this Government in the struggle you will defeat the Government. We are preparing for the Congress of the People which will be held in Johannesburg next year."

Is that all that you took down? -- Yes.

And who was the next speaker? -- George Peake.

Which language did he speak? -- He spoke in English and his speech was interpreted into a Native language.

Which one? -- I presume it is Xhosa.

Who acted as Interpreter? -- Greenwood Ngotayana.

Did you take down his whole speech? -- No.

Will you read what you took down? -- George Peake - speaks English - Ngotayana interpreted into Xhosa. He said inter alia "The present Government is oppressing us. We must fight for freedom. We want support for the next big Conference of the C.O.P." That is an abbreviation of Congress of the People.

Who was the next speaker? -- Greenwood Ngotayana was the next speaker.

Did you take down his speech? -- I did not take his speech down. He spoke in Xhosa.

Can you say whether the following speakers at that meeting are now amongst the Accused - L.B. Lee-Warden? -- Yes, Lee-Warden is here. He is Accused No. 98.

George Peake? -- Yes, he is here - Accused No. 93.

Greenwood Ngotayana? -- Yes, he is here - Accused No. 92.

And you hand in your notes EXHIBIT "G. 306"? -- Yes.

CROSS-EXAMINED BY MR. SLOVO: Sergeant, I think you have already told us that both in the case of Lee-Warden and George Peake, the extracts you have written down here as having been said by them is not all they said? -- Yes, I did say so.

I take it that they spoke for a reasonable length of time, even if was only for 20 or 30 minutes? -- It is difficult - I cannot say how long they spoke.

- Anyhow -

Anyhow, the meeting lasted for approximately 2 hours?--
Yes, according to my notes.

And I want to ask you why you chose to write down the particular sentences which you have written down from the speech which you allege Lee Warden made; and before I ask you for an answer to that question, you will agree with me that what Lee-Warden says in this little speech is an attack on the Government of the day, a political attack on the Government of the day? -- Yes.

That is so? -- That is not my reply to the question...

BY THE COURT: The question was whether you agree that what you recorded amounts to an attack on the Government? -- To a certain extent I must agree.

BY MR. SLOVO: In fact - I won't waste much of the Court's time if I just refer you to the contents. All he says is "The present Government wants to rob you the Africans. They want to take away your education. If you stand together and fight this Government in the struggle you will defeat the Government." Now leaving out the last sentence.....

BY THE COURT: I agree that most of what the witness has said amounts to an attack on the Government - that is what he has recorded of Lee-Warden's speech.

BY MR. SLOVO: Now what I want to know, what puzzles me, is why you chose to make this special record of a speech by a person like Lee-Warden saying that we must unite together to fight the Government?

BY THE COURT: What is the question, Mr. Slovo? -- Why he chose amongst all the other things that Lee-Warden may or may not have said to make a record of a couple of sentences.....

Do you appreciate the question, Sergeant. Counsel wants to know why you have chosen to write down only this portion of Lee-Warden's speech? -- Because I thought the other portion of his speech had no bearing on anything in particular.

Do you recall what he said? -- I can't remember.

I still want to know from you why you considered it important, from any point of view - you see, you made a selection - is that not so? You made a selection, having attended the meeting, you made a selection as to what you were going to record....

BY THE COURT: Mr. Slovo, if I might intervene. Did you consider this portion that you wrote down as important? -- Yes, that is why I wrote it down.

Can you tell us why you considered it to be important? -- This was the important part....

Yes, but why did you consider it important? -- Because it was an attack on the Government.

BY MR. SLOVO: So I take it you consider it as your duty, as a Member of the Special Branch of the South African Police, to bring to the attention of the Authorities any political attack on the ruling party of the day? -- Yes, what I thought was of importance.

BY MR. COAKER: NO QUESTIONS.

BY P.P. NO RE-EXAMINATION.

COURT ADJOURNS.

COURT RESUMES:

BY MR. COAKER: Before we go on, Sir, there are two things that I would like to mention to the Court. The first is that Accused No. 50, Nathie, who was attending at the Outpatient's Department this morning is now back in Court. The second, Sir, is this question of interpreting from English into Afrikaans and vice versa. We seem to have had some difficulty throughout these proceedings. I know that the Interpreter is very good in the job for which he is employed which is interpreting Native languages but there does seem to have been some difficulty in conveying to witnesses the questions put by Counsel and the answers given by witnesses and we have detected, Sir, that you yourself have had to intervene on a number of occasions in order to correct the interpretation but I wonder if the Crown couldn't assist in some way, to save time, by producing someone with more experience of interpreting from English into Afrikaans and vice versa. I don't think it is fair to expect the present Interpreter to do a job which isn't really the job for which he is employed.

BY THE COURT: I agree entirely that the interpretation is of the utmost importance. Unless one has a trained Interpreter in certain languages there is bound to be difficulties and we have experienced that. This point has been raised before and it has been brought to the attention of the Prosecutor who was then in Court but nothing seems to have been done about it or if something has been done then it has been done without any success. I can only make a further request to the Crown - and I want to stress the importance of this - that we must get the best Interpreter in the particular languages that is available. I know it is not easy to raise a good Interpreter in certain languages but it is vital that everything should be done to ensure that we get the best Interpreter available. I hope, Mr. Prosecutor, that it will not be necessary to have to stress

this aspect again.

BY PUBLIC PROSECUTOR: It is the first time it has been brought to my notice, Your Worship, but I suggest it is really for the Clerk of the Court to see to that. I think the Prosecutor has quite enough to deal with.

BY THE COURT: No, no, I think the Crown must see that it gets the services of the best Interpreter available. That request can be made to the Clerk of the Court and he would have to administer it but the request now comes from the Court; it is a request to the Crown and the Crown must see that the proper steps are taken and machinery set in motion.

BY P.P. I accept the direction, Your Worship. I think that is as far as the Crown can take it.

BY THE COURT: I hope it won't be necessary to have to raise this matter again. I want to make it clear that there is no reflection on the Interpreter that we have available. It is not usually his function to interpret from English into Afrikaans or vice versa and interpretation or translation is at the best of times a very difficult job.

BY MR. COAKER: I would like to associate myself with Your Worship's remarks. I had no intention at all of reflecting on this Interpreter and I endeavoured to convey that. It was not our intention to reflect on him in any manner whatsoever.

BY THE COURT: Yes, I follow, Mr. Coaker.

THE CROWN CALLS:

HEADMAN SIBUTA, Sworn States:

EXAMINED BY PUBLIC PROSECUTOR:

Are you a Native Detective Sergeant, South African Police, stationed at Cape Town? -- Yes.

On the 4th September, 1954, did you attend a meeting of the Congress of the People? -- Yes.

Where? -- On the Strand.

And was the last witness with you? -- Yes, he was.
(Det. Sgt. Johnson).

And did you take notes at the meeting? -- Yes, I took some notes at the meeting.

Now you have your notes before you? -- Yes.

Who was the Chairman? -- Manzini was the Chairman.

And who spoke after him? -- The next speaker was Lee-Warden.

And then after him? -- George Peake.

And then? -- Greenwood Ngotayana.

What language did he speak? -- He spoke in Xhosa.

And did you make notes of what he said? -- Yes, I made notes of some of his speech.

Now will you read what you took down? -- Greenwood Ngotayana said in Xhosa "To the people of South Africa, Black and White, you must unite and struggle for freedom. You must join your aggravations. When we talk about freedom we mean the Europeans of this country. I mean those who are in power are trying by all means to oppress us. When we speak about freedom we say we must stay together in this country and when we speak..."

BY MR. COAKER. May it please Your Worship. I am informed that the Accused are unable to hear the witness. Speaking for myself I am also unable to hear the witness. I wonder if Your Worship would ask him to speak up and speak into the microphone.

- BY WITNESS -

BY WITNESS: "We say those who stay in this country must earn equal wages; equal rights in this country. There are four organisations which speak about freedom. Now we are preparing for the Conference on which all the people will be there to discuss how we must rule this country. We say we will like even those who are in power to attend this Conference."

The speaker Greenwood Ngotayana, is he amongst the Accused? -- Yes. (Accused No. 92).

And you hand in your notes - EXHIBIT "G. 307"? -- Yes.
BY MR. COAKER: (Cross-Examination). Now, we have already had some evidence that this meeting lasted one- and-three-quarter hours, would that be correct? -- I cannot remember that.

Do you think that evidence is correct? -- Yes, I would say it would be correct.

And during most of that time the speakers were addressing the meeting? -- Yes.

So that what you have written down here is by no means the whole of what Greenwood Ngotayana said? -- No, I just wrote down a little of it.

May I see your notes please. Is that something that occurred in the course of his address to the meeting? -- Yes.

And you picked out this paragraph from his speech? -- Yes, you must realise that I am writing it down by hand. It was not taken down with a machine, for instance.

Quite so. Nevertheless..... ? -- I picked out some of it.

You picked out certain sections which you wrote down? -- Yes.

Now did these sentences occur together, one after the other, in his speech, or were they picked out from different parts of his speech from time to time? -- No, I would write down what he said and then skip certain sentences and write

down again and so on.

So that what looks here like a single paragraph is, in fact, short extracts from various parts of his speech? -- Yes.

I want you to tell me why you picked out the particular sentences that you have written down - are they matters that seemed to you to be of importance? -- Greenwood is a Xhosa, Sir, and if I write it down in Xhosa it would be a long speech.

BY THE COURT: What was the question that was put to you? -- I was asked whether this was what I had written down.

That was not the question. The question was whether you wrote this down because you considered it important? -- Yes.

Will you kindly put your mind to the questions asked. It will save a lot of time if you answer the questions put to you.

BY MR. COAKER. You only wrote down, in fact, what you considered was important? -- Yes, I have written that down.

You only wrote this down because you considered it was important? -- Yes.

The stuff that you thought unimportant you made no attempt to write down? -- Yes.

And your instructions were to write down certain things that were of importance? -- Yes.

Now were your instructions to write down anything that had any reference to the Congress of the People? -- I was told to write down what has been said.

But you have just told me that you didn't write down what was said - what you thought was important? That those were your instructions - listen to me? -- I wrote down what Ngotayam had said.

Will you please listen to my question. Your instructions were to write down certain things that were of importance?

I was told to take down the speech of a man.

BY THE COURT: But you told us previously that you were instructed to write down what was important. Now you say you were told to write down what was said - is that right? -- That is correct.

They can't be both correct. Which is correct? -- My instructions were to take down the speech of a person.

Not only what was important? -- No, the speech of the person in question.

BY MR. COAKER: Then why did you not attempt to take down the whole of his speech? -- Well, I don't write with a machine. I write down what I can cope with.

Are you now trying to tell His Worship that what you wrote down on two sides of a fairly small note book was all that ⁺you were able to take down of what the speaker said? -- Yes, that was all.

But you told me a moment ago that you left out certain things that you thought unimportant and you wrote down what you thought was important, did you not? -- I wrote down what I was able to write down.

Now will you listen to the question I put to you. I said you told us just now that you left out certain matter which you thought was unimportant? -- I wrote down what I could write down.

Will you answer my question please. Did you say just now that you left out certain matter which you did not consider important.....

BY THE COURT: He rather put it this way "I wrote down only what I considered important", which may not be quite the same thing.

BY MR. COAKER: No, Sir, I then put to him another question after that. After he had said that I put to him another question "And you left out what you considered unimportant" - that is my recollection. I speak under correction, of course.

BY THE COURT: I am not quite clear on this but according to my

notes he said he wrote down only what he considered important.

BY MR. COAKER: I won't pursue the matter with the witness on that point, Sir.

BY THE COURT: He is obviously contradicting himself.

BY MR. COAKER. What is your standard of education? -- I left school at Std. 5.

Have you attended a great number of these meetings? -- For a bout 6 years.

BY THE COURT: Since when? -- Since 1952.

BY MR. COAKER: Those are meetings of political organisations are they? -- Yes.

And you have been making notes at those meetings all that time? -- Yes.

Now, I take it that apart from what appears in your notes you can remember nothing at all about what happened at this particular meeting in 1954? -- No.

You can't remember whether there were any Interpreters used at all except what appears in your notes? -- No, he spoke in Xhosa.

There were no Interpreters used? -- Not that day.

BY THE COURT: How do you know that no Interpreters were used that day? -- Lee-Warden spoke and he was interpreted by Ngotayane.

Why do you say there were no Interpreters used? -- He said that Ngotayane spoke in Xhosa and nobody interpreted.

You told the Court a few moments ago that no Interpreters were used. Is that right. Do you remember that? -- Yes.

Why do you say now that Ngotayane interpreted for Lee-Warden? -- Well, when Ngotayane spoke nobody interpreted.

But an Interpreter was used - Ngotayane interpreted so an Interpreter was used, is that right? -- When Ngotayane spoke there was no Interpreter.

- I don't -

I don't understand how the mind of this witness works, Mr. Coaker.

BY MR. COAKER: Sir, I can't take that matter any further. So far as Ngotayane's speech was concerned, it was not interpreted?

-- No.

And you therefore wrote down your English version of what he said in Xhosa? -- Yes.

So you consider that you are qualified to translate from Xhosa into English? -- Yes, I wrote down what was said.

BY THE COURT: That was not the question. Why don't you reply to the question. Do you consider that you are qualified to interpret from Xhosa into English? -- No, sir.

No, you are not qualified? -- I can translate it but I am not so qualified as all that.

You have given your version in your notes in English of what was said by Ngotayane, is that right? -- Yes.

Is that a correct translation that you have done? -- Yes.

Do you speak Xhosa? What is your mother tongue? -- I am a Xhosa.

Do you speak English? -- Yes.

BY MR. COAKER: I take it your English is not perfect....

BY THE COURT: I wonder, Mr. Coaker, whether that question ought to be put? It is such a.....

BY MR. COAKER: I won't pursue that, Sir.

Sir, it has been drawn to my attention by some of my clients that it appears that the witness is using Xhosa and it is thought that the Interpreter is using Zulu. It may be that some confusion has arisen and I think I should say this in fairness to the witness who may have some difficulty in understanding. I think perhaps it is a matter which might be cleared up, Sir.

- BY THE COURT -

BY THE COURT: Mr. Interpreter, is that correct?

BY INTERPRETER: That is quite correct, Sir.

You are speaking in Zulu? -- I speak in Zulu to the witness and the witness speaks Xhosa but I understand Xhosa perfectly well and I am satisfied that the witness understands me.

Can you speak Xhosa? -- I can to a certain extent. I am not a Xhosa linguist.

Do you understand the Interpreter when he speaks Zulu to you? -- Yes, everything.

Xhosa and Zulu, are the two languages very near to each other? -- Yes.

BY MR. COAKER: I think, Sir, it is regrettable, not to say deplorable that we should be in this position where a witness gives evidence in one language and the Interpreter uses to him a different language. There are shades of meaning in cross-examination and in evidence and I have the impression myself, speaking for myself, that this witness was in difficulties

while I was cross-examining him which may not have been due to anything inherent in his evidence but to some other factor and

I would request that as far as possible it should be assured that when witnesses use a particular tongue interpreting is done through that same medium in case it can ever be suggested that the meaning of evidence has been lost or gone astray through interpretation.

BY THE COURT: I appreciate your remarks, Mr. Coaker, and I feel that it is very desirable that the same language should be used by both the Interpreter and the witness because, as you say, there is obviously the danger of a misunderstanding. I also know that sometimes the witness is blamed because he does not answer to a question and it may be the Interpreter's fault. I have had experience of that. Our difficulty, of course, is

a practical one. There are so many different Native languages and dialects that one can't have enough Interpreters available for a change over from time to time. That is a real practical difficulty. It is obviously a difficulty that these Courts are faced with from day to day.

BY MR. COAKER: The fact is, Sir, that we are now dealing with the Western Cape. I apprehend that the language of the witnesses in almost all instances be Xhosa and we have had Interpreters in this Court during the course of this trial who knew the Xhosa language and I would ask, Sir, that the arrangement should be made, when witnesses give evidence in Xhosa that the interpretation must be done through the same medium otherwise, Sir, I don't know whether, if at a later stage I put to a witness that he said something he may not retort that that was not what he said because he was misinterpreted. I feel myself at a hopeless disadvantage, Sir, if this situation prevails.

I am going to make an application to Your Worship - I see it is now five minutes to twelve - that we must continue in one or other of the European languages - if my learned friend is in a position to do that, or alternatively that the Court should stand adjourned until we are able to find an Interpreter who uses the language used by the witness. I don't want to waste time, Sir, but I feel that I am in a hopeless difficulty so long as this situation prevails.

BY THE COURT: Yes, again I want to stress the importance of correct interpretation. There must be no risk that questions are wrongly interpreted and I want to make an appeal to the Crown here to ensure that Interpreters are made available in the languages that are spoken by these witnesses.

BY INTERPRETER: I shall be pleased to withdraw, Your Worship.

BY THE COURT: I think that is really an unnecessary remark because you were doing the best you can in the circumstances.

You are unfortunately placed in this position which could have been obviated by the Crown making proper arrangements beforehand.

BY MR. COAKER: I sincerely hope, Sir, that nothing I have said may be regarded in any way as a reflection on the Interpreter. He is an Interpreter in the Transvaal Courts. We know him in the Transvaal Courts and doubtless in the Transvaal languages he is very competent in his job and I feel, Sir, that he has been placed in an invidious position. I wish to make it clear, Sir, that I don't reflect on him in any way.

BY THE COURT: I don't think the Interpreter should feel offended at all. This is no reflection on him and I think your objection is a real one and an important one.

BY MR. COAKER: Sir, I don't think it is necessary for me to continue with this cross-examination. I will bring it to a close now. I would like to reserve the right? if I think it necessary to re-cross-examine this witness through the medium of a Xhosa Interpreter if I should deem that necessary.

BY MR. SLOVO: NO QUESTIONS.

BY P.P. NO RE-EXAMINATION.

BY THE COURT: I don't quite appreciate why Det. Sgt. Johnson was not asked to continue his evidence.

BY P.P. Because it is another meeting, Your Worship.

BY THE COURT: Yes, but that could be done. It is really a big bother when a witness has got to stand down for every meeting. His evidence is given on each meeting separately and in sequence, if possible. The cross-examination has always been directed to each particular meeting separately. I would suggest, Mr. Prosecutor, that this method which you are now adopting be discontinued unless there are good reasons for it.

BY P.P. That is the way the Crown sees it - it keeps the meetings together and that is why I have led it in that way.

BY THE COURT: You mean because there is supporting evidence of a particular meeting?

BY P.P. Yes.

BY THE COURT: But that should not present any serious difficulty.

THE CROWN CALLS:

DANIEL MICHAELIS CHRISTOFFEL JOHNSON, Sworn States:

EXAMINED BY PUBLIC PROSECUTOR:

You have already given evidence? -- Yes.

On the 3rd April, 1955, did you attend a meeting? --
I did.

What meeting? -- It was under the auspices of the African National Congress, held at Kraaifontein, District Cape Town.

And did you take notes at the meeting? -- I did.

And you have your notes before you? -- I have.

Do you know who the Chairman was? -- No.

Who was the first speaker? -- Ben Turok.

Did he address the meeting? -- Yes, he did.

And did you take notes of what he said? -- Yes.

Will you read from your notes? -- Turok spoke in Afrikaans.

BY THE COURT: What sort of people attended the meeting? --

A meeting consisting of Natives and Coloureds.

BY P.P. Yes, he spoke in Afrikaans - continue? --" People are afraid because Police are here. Don't be afraid. It is the right of the people. We want to talk about things that hurt us. There is always - it is always becoming more difficult here in South Africa. The Police frighten the people and always ask them for passes. You don't know what it means to be free in a country. You only know the gaol. A person cannot say that a person is free. The Police assault you. We have got to work together with everybody for a good South Africa. We have got to work together to get the Government out. They are against you. The non-Europeans, Jews and English-speaking - S.A.C.P.O. - abbreviation of South African Congress of the Coloured People - stood together. South Africa belongs to the Nationalists, Malan and Strydom. I am sometimes surprised why they don't murder the people because life is too difficult but they don't do it. Look at your pondokkies. They say they want to exterminate Africans and send them back to the Transvaal. Without the Africans and Coloureds the White people live in difficulties. Without you the White people cannot do anything without us. The Whiteman is not interested in the Blackman. The Government are against everybody. The A.N.C. is the African Organisation. They begin to reply and say "We want to get you out" and "We want another Government". One for everybody. We must get a new country and a new Government. Stand together. It is only the Congress who could give you a new country. I salute" then he puts his thumbs up and says "Afrika".

And the next speaker? -- A Coloured woman named Katie White.

Will you omit her speech? -- Yes.

Who was the next speaker? -- After her the Chairman said a few words.

Will you read what he said? -- He said "The Government deny our children the education. What are you waiting for?" (snoep - deny).

Yes, the next speaker? -- The following speaker was John S.P. Mothololoa.

Will you read what he said? -- He spoke in English. "The present fascist Government is nothing but a few mad dogs. Strijdom is the satan. The National Party rules you. Oppression millions of people. If you come to the A.N.C. in your thousands and millions you will rule the country tomorrow. Women are " - I just can't make out that word - "Women are driven from husbands. They work on farms. The Nazis murdered 6,000,000 jews. Unless you stand up and join the A.N.C. you will also be murdered - ,10,000,000. Now I am going to explain the C.O.P. that make freedom - not an organisation but a campaign." Then I have made a remark - "The A.N.C. is going to rule the country after the Nationalists. Second is the South African Indian Congress. Third is the C.O. Democrats (Congress of Democrats) and S.A.C.P.O. (South African Congress of the People Organisation)."

BY P.P. Have you got it "S.A.C.P.O."? -- Yes.

Did he say anything else? -- "A Congress of the C.O.P. will be held at Johannesburg on the 25 to the 26th June, 1955, where the Freedom Charter will be discussed." Then he read a document "A Call of the People". "Who do you want to rule this country. According to these questions - He said that "everybody present must rule the country."

BY MR. COAKER: That is not a correct interpretation of what was read out - not "must rule the country" - "must say that they

- wish -

wish to rule the country"? -- He said "Everybody present wants (wil) to rule the country". "Not even in the manner of the Nationalist Party."

Who spoke then? Was that the end of his speech? -- There is still a bit of it.

Then read it? -- ".....right (inaudible). The White people live by the sweat of the Natives." This was the end of his speech. Then the Chairman said a few words:- "We must stand together. You must follow us." Mthololoa said again "I want you to come and join the A.N.C."

Was that the end of the meeting? -- Yes, then they sang the Pantu Anthem.

Do you know the speaker B. Turok? -- Yes.

Is he one of the Accused? -- Yes. (Accused No. 97).

And you hand in your notes - EXHIBIT "G. 308"? -- Yes.

BY MR. COAKER: NO QUESTIONS.

BY MR. SLOVO: NO QUESTIONS.

(SAME WITNESS).

You have already given evidence, is that correct? -- Yes.

On the 1st May, 1955, did you attend a meeting? -- Yes.

Where was the meeting? -- At the Parade in Cape Town.

What meeting was it? -- May Day Celebrations.

Did you take notes at the meeting? -- I took a few notes.

BY THE COURT: Do you know by which organisation the meeting was sponsored? -- C.O.P.

BY P.P. What is C.O.P.? -- Congress of the people.

Do you have your notes now before you? -- Yes.

Can you tell the Court who addressed the meeting - who was the Chairman? -- I have not got a complete report. Somebody else was with me.

BY THE COURT: Do you know who the Chairman was? -- No.

- According -

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